

(d:) REMARKS

By the Action, the first in the present application, the Examiner rejected claims 1, 15 and 16. Claims 1 and 15 were rejected as anticipated under 35 U.S.C. 102(b). Claims 1, 15 and 16 were rejected as obvious under 35 U.S.C. 103(a). Claims 9-14 were allowed. Claims 2-7 and 17 were objected to but indicated as directed to allowable subject matter. Claims 1 and 5-8 were objected to for minor informalities.

By the amendment claims 1-8, 11 and 15 have been amended. Most of the amendments are directed to formalities including, correcting the preambles to claims 2-8 to reflect the underlying technology of claim 1, correction of claim 5 to include the definite article where indicated as missing by the Examiner, and deletion of the term "like" from claims 1, 7 and 8. In addition, claim 11 has been amended to correct an antecedent basis issue. No change in the scope of the claim is intended. Claims 1 and 15 have been amended to clarify the term "planar" by referring to a "planar acoustical transducer". It should be clear from the specification at paragraph [006] that the "planar" as used here means a transducer, not the passive elements identified as "planars" in the applied art. No change in the scope of the claims is intended. All of the claims, 1-17, remain active.

Both references applied by the Examiner, Lehman (US-Pat 6,394,223) and Beard (US-Pat 5,546,468) can be dealt with summarily. Neither reference shows a "planar acoustical transducer" as an element, as required by claims 1 and 15. The Examiner identified "vanes 81 and 91" as planars in Lehman. These vanes are not transducers at all, but simply reflecting boards. They may serve:

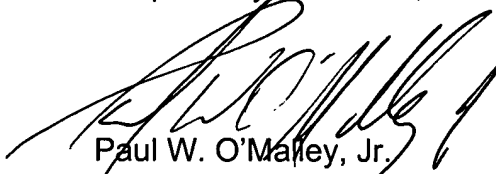
. . . to adjust energy distribution . . . to match the angles of the throat sections 14, 18 in forming the arcuate line, or deliberately not [to] match these angles, depending on the effect desired . . .
Lehman '223 patent, col. 5, lines 31-35.

The structures identified as "planars" in the Beard '468 patent include a front face 20 and element 110, which the '468 patent refers to generally as the unit "forming the third embodiment of the invention". (See col. 4, lines 30-32). The Examiner is believed to have been referring to an unnumbered cover for a light bulb 86 shown in Fig. 4 of Beard. It is surmised that the cover is a glass plate completing enclosure of the bulb, but is not itself an electro-acoustical transducer. The elements identified in the art as "planars" are just as plainly not acoustic transducers. Thus the applied references fail to either anticipate, or make obvious, the present invention.

The remaining dependent claims add still further limitations further distinguishing the present invention over the cited reference.

Applicant believes the Claims as amended, or newly submitted, are in condition for allowance and respectfully requests favorable action by the Examiner.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that I caused this Amendment to be mailed to the
Commissioner for Patents on or before 3 September 2004.

Date: 3 September 2004



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